



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1950

November 5, 2007

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Establishment – Traumatic Brain Injury Family Caregiver Panel

Section 744 of Public Law 109-364 (the John Warner National Defense Authorization Act for Fiscal Year 2007) directs the Secretary of Defense to establish the Traumatic Brain Injury Family Caregiver Panel.

This non-discretionary advisory committee shall provide independent advice and recommendations on the development of training curricula to be used by family members of members and former members of the Armed Forces on techniques, strategies, and skills for care and assistance for such members and former members with traumatic brain injury.

After carefully considering the congressional requirements, the Director for Administration and Management, on behalf of the Secretary of Defense and in consultation with the Office of the Department of Defense General Counsel, has determined that the Traumatic Brain Injury Family Caregiver Panel shall be established as a subcommittee of the Defense Health Board.

Even though the Traumatic Brain Injury Family Caregiver Panel shall operate as a subcommittee of the Defense Health Board and not as a chartered federal advisory committee, the Director for Administration and Management has directed that the Panel shall comply with: (a) the full provisions of section 744 of Public Law 109-364; and (b) the spirit and intent of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR §§ 102-3.5 through 102-3.185.

In addition, the Director for Administration and Management has also directed that: (a) whenever the Panel meets for the purpose of deliberating on the substantive matters upon which it is providing advice or recommendations, it must meet under the open-meeting rules of the FACA and Sunshine Acts; and (b) the Panel's recommendations, prior to being submitted to the government's decision maker, must be deliberated under the same open-meeting rules by the Defense Health Board.

Pursuant to section 744(a)(2) of Public Law 109-364, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall appoint fifteen members to serve on the Traumatic Brain Injury Family Caregiver Panel. Panel members, who are not full-time federal officers or employees, shall serve as special government employees under the authority of 5 U.S.C. § 3109. Panel and subcommittee members shall be appointed on an annual basis by the Secretary of Defense, and with the exception of travel and per diem for official travel, they shall serve without compensation.

The Under Secretary of Defense for Personnel and Readiness, through the Assistant Secretary of Defense for Health Affairs, has been designated the DoD Sponsor for this non-discretionary advisory committee. Pursuant to DoD policy, the Assistant Secretary of Defense for Health Affairs has been delegated authority to: (a) appoint the chairperson for the Traumatic Brain Injury Family Caregiver Panel; and (b) act upon the advice emanating from the Panel.

To provide transparency about our decision to establish the Traumatic Brain Injury Family Caregiver Panel as a subcommittee of the Defense Health Board, the Department of Defense shall publish a Federal Register notice announcing this decision. In addition, I will provide written notification to the appropriate congressional oversight committees.

If you should have any questions about this action please contact my point of contact, Mr. Jim Freeman, at 703-601-2554, extension 128.

A handwritten signature in black ink, appearing to read "Frank M. Wilson", with a large, stylized flourish at the end.

Frank M. Wilson
Committee Management Officer
for the Department of Defense